

scope to the most efficient and simplest sunset and transfer bill, as opposed to a wholesale rewrite of transportation policy. But the very nature of the task—which is to close down an entire Federal agency—there is of necessity a need to sunset certain of its functions, however, some changes to these functions also had to be made in light of the budget realities which will confront the remaining agency.

None of this is to say concerns raised during the process through which this legislation was developed are not legitimate. Indeed, I believe they are. I am particularly concerned about the concerns of small rail shippers and operators in light of recent and continuing industry trends toward overwhelming industry concentration. More and more of this Nation's rail infrastructure is owned by fewer and fewer railroads.

Competitive concerns continue to increase, and the leverage of the smaller shippers and small feeder railroads relative to the class I railroads decreases. I recall chairing a hearing in 1985 which addressed some of those concerns. Since that time, my concern has only heightened.

Some have urged us to re-regulate the rail industry in this legislation. They argue that since the Staggers Act greatly deregulated the rail industry, shippers have been faced with difficulty if not impossible relief mechanisms. They point out that the potential for shipper abuse increases with industry concentration. Their arguments are not entirely unpersuasive. However, a return to a pre-Staggers approach is not the answer at this time.

The shipper complaint procedure at the current ICC is hopelessly complicated to the point where shippers with a legitimate grievance generally do not have an effective remedy available. The real question in my mind is the extent to which legitimate grievances can be identified, aired, and resolved. Most of the suggestions raised involved some form of re-regulation.

Even though I voted against the Staggers Act over a decade ago, I must say it has proved to be extraordinarily successful in reviving a failing industry and on balance has been positive for shippers and industry alike. Therefore, at this juncture, it is premature to attempt to re-regulate, without a clearer identification and articulation of the problem, and an established record which provides some reasonably compelling evidence that the solution proposed actually fixes the problem.

On both counts, it seems more effort could be made by all parties to attempt to develop industry solutions before seeking Government solutions. The fundamental problem I see developing in the industry today is that the shippers and others are, as I said, increasingly losing leverage in their relations with the class I railroads. In many ways, shippers and small railroads are in the same boat.

Due to these concerns, I am proposing to establish a rail-shipper trans-

portation advisory council in an attempt to give them a stronger voice, and a mechanism to resolve many of the concerns within the industry, rather than having the Government address them. It is clearly and intentionally weighted in favor of small shippers and small railroads in an effort to address the many issues in which they have mutual and legitimate public interest concerns. After a reasonable opportunity has been made available to review the varied issues confronting small shippers and railroads, I would anticipate a series of oversight hearings to review the advisory council's findings or recommendations, and, if necessary, appropriate legislative action will be taken.

Whether the council is an effective tool or not will depend largely on the reasonableness of the small shippers and railroads position. It would be as much of a mistake for them to overplay their hand as it would for the large railroads not to treat their concerns seriously. If the smaller railroads and shippers overplay their hand by making unreasonable demands, the council will quickly lose credibility, both within the industry and with policy makers. At the same time, if class I's are indifferent or unresponsive to legitimate concerns raised, legislative solutions far more expansive than any proposed to date will be seriously considered. Re-regulation, antitrust protection, and everything else will be on the table.

Mr. President, let me say it again. This chairman knows the concerns of the shippers and small railroads are very real. They need to be addressed. The message to both the rail industry and to shippers is simple. Be reasonable. Define and solve your problems to the best of your ability. Excessive Government involvement is a last resort. It will not happen without compelling need and a demonstration of good faith effort by those seeking Government intervention, that all reasonable avenues to develop a reasonable industry compromise have been blocked by relative unreasonableness.

With respect to labor, there have been attempts to reach a negotiated solution to that issue as well. We have included language which is far less satisfactory in my view than the House bill, but I agree to it with the expectation that the parties can agree to compromise on this issue. It remains an issue that is unresolved, but which shall—as with other provisions of the bill—be addressed further.

ADDITIONAL COSPONSORS

S. 847

At the request of Mr. GREGG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 939

At the request of Mr. SMITH, the names of the Senator from Kansas [Mr. DOLE], the Senator from Oklahoma [Mr. INHOFE], the Senator from Indiana [Mr. COATS], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1219

At the request of Mr. MCCAIN, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. KERREY], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1289

At the request of Mr. KYL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Kansas [Mr. DOLE], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 192—MAKING MAJORITY PARTY COMMITTEE APPOINTMENTS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 192

Resolved,

The following are named majority party members on the part of the Senate to the Joint Committee on the Library:

Mr. Hatfield (Chairman), Mr. Stevens, and Mr. Warner.

The following are named majority party members on the part of the Senate to the Joint Committee on Printing:

Mr. Warner (Vice Chairman), Mr. Hatfield, and Mr. Cochran.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will hold a business meeting to mark up S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, a bill to transfer certain lands to the Salt River Pima-Maricopa Indian community and the city of Scottsdale, AZ, followed immediately by a hearing on S. 1159, a bill to